

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE CERTIFICATE OF :

MARIE J. PIERRE LOUIS, CHHA :
License No. 26NH12820300 :

ADMINISTRATIVE ACTION

: **FINAL**
ORDER OF

TO PRACTICE AS A HOMEMAKER-HOME :
HEALTH AIDE IN THE STATE OF NEW :
JERSEY :

: **DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Marie J. Pierre Louis ("Respondent") is the holder of certificate number 26NH12820300 and has been certified at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on December 16, 2011 by the Roselle Police Department for simple assault, N.J.S.A. 2C:12-1(a)(1), the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in

Roselle, New Jersey, via regular and certified mail on or about December 21, 2011. The regular mailing was not returned; the certified mailing was returned as "unclaimed."

3. To date, Respondent has not provided a response to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:37-5.7.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered by the Board on March 22, 2012, seeking the suspension of Respondent's certification to practice as a Certified Homemaker-Home Health Aide in the State of New Jersey until such time as Respondent cooperates with the Board's investigation by responding to the Board's letter of inquiry regarding the Respondent's arrest for simple assault on December 16, 2011. In addition, the Board provisionally imposed a civil penalty of \$200.00 dollars in connection with this matter. Copies of the Provisional Order of Discipline have been

sent via regular and certified mail to Respondents address of record. The Certified Mail was returned unclaimed; however, the regular mail was not returned undeliverable.

Respondent replied to the Provisional Order on March 29, 2012 by providing a notarized Certificate of Disposition from the Municipal Court, Borough of Roselle, New Jersey. On January 19, 2012 the Respondent plead Not Guilty and the court dismissed the charge of simple assault. The Board considered this matter, and determined that inasmuch as Respondent has now furnished a complete response to the Board's inquiries, suspension was no longer warranted. However, the Board found that an Order should not be required to elicit a response from a licensee to a Board request for information because, if a licensee can, with impunity, delay responding to Board inquiries without any penalties, the Board will be hampered in performing its functions. Respondent's written response was received but only after a Provisional Order of Discipline had been filed. For this reason, the Board determined that further proceedings were not necessary, and that imposition of the civil penalty of \$200.00 in the Final Order was warranted.

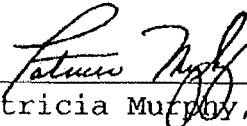
ACCORDINGLY, IT IS on this 11 day of November, ²⁰¹³~~2012~~,

ORDERED that:

1. A civil penalty in the amount of \$200.00 is imposed upon Respondent. Payment shall be made by certified check or

money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:  P.D., APRN, FAAN
Patricia Murphy, PhD, APRN
President